

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14977, of Tyrone Austin, pursuant to 11 DCMR 3107.2, for a variance from the allowable lot occupancy requirements (Sub-section 403.2) for a three-story addition to a single-family dwelling in an R-4 District at premises 1318 Maryland Avenue, N.E., (Square S-1027, Lot 4).

HEARING DATE: March 15, 1989
DECISION DATE: April 5, 1989

FINDINGS OF FACT:

1. The property is located on the north side of Maryland Avenue between 13th and Elliott Streets and is known as premises 1318 Maryland Avenue, N.E. It is zoned R-4.
2. The site is an irregularly shaped through lot with a frontage of 16 feet along Maryland Avenue, a depth of 57.37 feet on the west, a width of 18.04 feet along G Street on the north, and a depth of 49.05 feet on the east. The site contains approximately 850 square feet of lot area.
3. The property is currently improved with a two-story plus basement brick row dwelling.
4. The site is located in a triangular block bound by Maryland Avenue, G Street and 13th Street. The block is developed with row dwellings, the majority of which are on substandard sized lots.
5. The applicant began construction of a three-story addition to the rear of the existing structure in December, 1987, prior to applying for or receiving proper building permits. The applicant is currently seeking variance relief in order to complete the partially erected addition.
6. The R-4 District requires a minimum lot area of 1,800 square feet and a minimum lot width of 18 feet. The subject site contains 851 square feet of lot area and averages 17.02 feet in width.
7. The R-4 District provides for a maximum lot occupancy of sixty percent or 510.6 square feet. The existing structure occupies 544.64 square feet of the lot. The proposed addition would increase the lot coverage by 280.83 square feet for a total lot occupancy of 97 percent.

8. The adjacent structures at 1316 and 1320 Maryland Avenue extend beyond the rear of the existing structure on the subject site four feet and fifteen feet respectively. Those dwellings were constructed prior to the adoption of the Zoning Regulations.

9. The Office of Planning (OP), by memorandum dated March 6, 1989, recommended that the application be approved. The OP was of the opinion that the small size of the property created a practical difficulty and that the proposed addition was not likely to impact on the area adversely.

10. The Board waived its Rules to accept the filing of the report of Advisory Neighborhood Commission (ANC) 6A, less than seven days prior to the public hearing.

11. Advisory Neighborhood Commission (ANC) 6A, by letter dated March 9, 1989, opposed the granting of the subject application based on the following:

- a. Excessive lot occupancy;
- b. Construction started without proper permits;
- c. Construction not up to Building Code standards;
- d. Adverse drainage impact on adjacent property.
- e. Adverse impact on light and air to adjacent property.

12. The record contains several letters from adjacent and nearby property owners, as well as the Capitol Hill Restoration Society, in opposition to the application. Several nearby property owners testified in opposition to the application at the public hearing.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires evidence of a practical difficulty upon the owner arising out of some extraordinary or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the requested relief can be granted without substantial detriment to the public good and that it will not substantially impair the intent, purpose and integrity of the zone plan.

The Board concludes that the applicant has not met the burden of proof. The existing lot size and structure do not comply with the requirements of the R-4 District. The applicant offered no evidence that the physical characteristics of the site are substantially different than other properties in the square, nor that he would suffer a practical difficulty due to the strict application of the Zoning Regulations. The requested variance would result in an increase of the existing nonconforming lot occupancy to nearly 100 percent of the lot. The extent of the resulting nonconformity is significant and the resulting density is not in keeping with the R-4 District or existing development in the immediate area.

The Board further concludes that the requested relief can not be granted without substantial detriment to the public good and without substantially impairing the intent purpose and integrity of the zone plan. The Board has accorded the ANC the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is hereby DENIED.

VOTE: 4-0 (Carrie L. Thornhill, Paula L. Jewell and William F. McIntosh to deny; Elliott Carroll to deny by proxy; Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: JUL 13 1989

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

14977order/LJP49

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14977

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board in the above numbered case, said Order dated JUL 13 1989, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Clarence Martin, Chairperson
Advisory Neighborhood Commission 6-A
Maury Elementary School
13th & Constitution Ave., N.E. Room 10
Washington, D. C. 20002

Kathy Wooten
1320 Maryland Ave., N.E.
D.C. 20002

John Patterson
1316 Maryland Ave, N.E.
D.C. 20002

Daniel O'Leary
1322 Maryland Ave., N.E.
D.C. 20002

Tyrone Austin
1318 Maryland Ave., N.E.
D.C. 20002

A handwritten signature in black ink, appearing to read "ELC", is written over a horizontal line.

EDWARD L. CURRY
Executive Director

DATE: JUL 13 1989